

FILED-CLERK
U.S. DISTRICT COURT

2011 JUN 10 PM 4:28

TEXAS-EASTERN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

BY _____

David E. Mack

(Plaintiff)

vs

Case No. 4:11cv343

Michael J. Scott, P.C. et al

(Defendant)

MOTION TO PROCEED IN FORMA PAUPERIS

I, plaintiff, David E. Mack,

respectfully moves this Honorable Court for leave to proceed in this matter without payment of fees, costs, or security.

Attached hereto is an affidavit in support of my motion to proceed in forma pauperis.

Respectfully submitted,

Plaintiff David E. Mack

Address 7720 McCallum Blvd.
#2099

Dallas, Texas 75252

Phone 972-735-9642

Date 6-10-2011

AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

INSTRUCTIONS: Complete all questions in this affidavit and then sign it. Do not leave any blanks. If the answer to a question is "0", "none", or "not applicable (NA)", write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

1. Are you presently employed? YES _____ NO X

(a) If the answer is "YES", state the amount of your gross salary or wages per month and give the name and address of your employer.

\$ _____ per month

Employer _____

(b) If the answer is "NO", state the date of last employment and the amount of the gross salary and wages per month which you received.

\$ 4,000 per month

Employer J.G. Resources - November 2008

2. Is your spouse presently employed? YES _____ NO N/A

If the answer is "YES", state the gross amount of his/her salary or wages per month and give the name and address of his/her employer.

\$ _____ per month

Employer _____

3. Have you or your spouse received within the past twelve (12) months any money from any of the following sources:

- (a) Business, profession, or form of self-employment? YES _____ NO X
- (b) Rent payment, interest or dividends? YES _____ NO X
- (c) Pensions, annuities, or life insurance payment? YES X NO _____
- (d) Gifts or inheritances? YES X NO _____
- (e) Any other sources? YES _____ NO X

If the answer to any of the above questions is "YES", describe each source of money and state the amount received from each during the last twelve (12) months and by whom.

Social Security 875/mo. Pension 230/mo
Gifts of 1020/past year.

4. How much cash do you and your spouse have? \$ 18.

5. List any money you or your spouse have in bank accounts or in any other financial institution and the name of the financial institution.

First Convenience Bank \$24
Washington Federal \$50

6. List the assets and the values which you or your spouse own. Do not list clothing and ordinary household furnishings.

Home Address N/A

Value of Home N/A

Motor Vehicle #1 Make, Year, Model 2000 Buick Century

Value of Motor Vehicle #1 \$1,500

Motor Vehicle #2 Make, Year, Model _____

Value of Motor Vehicle #2 _____

7. Do you or your spouse own any other real estate, stocks, bonds, notes, automobiles, or other valuable property not listed above (excluding ordinary household furnishings and clothing)?

YES _____ NO ~~X~~

If the answer is "YES", describe the property and state its approximate value.

8. List the persons who are dependent upon you or your spouse for support, state your relationship to those persons, and indicate how much you contribute toward their support.

N/A

9. Do you expect any major changes to your spouse's monthly income or expenses or in your or your spouse's assets or liabilities during the next 12 months?

YES _____ NO ~~X~~

If yes, describe below or on an attached sheet.

10. Estimate the average monthly expenses of you and your family. If different, list separately the amounts paid by your spouse.

Rent or home-mortgage payment 569

Utilities (electricity, heating fuel, water, sewer, and phone) 330

Home maintenance (repairs and upkeep) N/A

Food 100

Clothing 0

Laundry and dry-cleaning \$12

Medical and dental expenses 0

Transportation (not including motor vehicle payments) \$100

Recreation, entertainment, newspapers, magazines, etc. 0

Insurance (not deducted from wages or include in mortgage payments)

Homeowner's or renter's insurance 0

Life insurance \$35

Health insurance 0

Motor vehicle insurance \$54

Other insurance N/A

Taxes (not deducted from wages or included in mortgage payments) _____

Installment payments

Motor vehicle N/A

Credit card N/A

Department store credit card N/A

Other installment payments N/A

Alimony, maintenance and support paid to others N/A

Regular expenses for operation of business, profession, or farm (attach a detailed statement) N/A

Other expenses N/A

11. Provide any other information that will help explain why you cannot pay the filing fees for your case.

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the filing fees of my case. I believe that I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct.
(28 U.S.C. 1746, 18 U.S.C. 1621)



Signature of Applicant